

FAQs About IDEA 2004

Surrogate Parents, Foster Parents, Unaccompanied Homeless Youth and Wards of the State

What is the timeline for surrogate parent appointment?

A surrogate parent must be appointed by the youth court not more than 20 days after the school district submits a request to the youth court that a surrogate parent be appointed for the child.

What is the district's surrogate requirement for an unaccompanied homeless youth?

If an unaccompanied homeless youth enrolls in a school district without a parent as defined in 34 CFR 300.30, available administrators must ensure that a surrogate parent is appointed within the 20-day timeline.

Is a surrogate parent required when a child is placed into a permanent or temporary foster home and the parents' rights have been permanently removed by a court?

No. In this case, the foster parent can act as a parent for the child.

Does the foster parent need to have an ongoing, long-term relationship with the child before the foster parent can act as the parent?

No. The IDEA 2004 has removed that requirement.

What is the school district's responsibility for children who are wards of the state?

The school district must make reasonable efforts to ensure that a surrogate parent is appointed within the 20-day timeline.

What does the school district do when it finds that two parties may act as the parent, when one of the parties is, in fact, the child's parent?

When the child's parent still maintains rights with regard to education, that parent makes decisions regarding special education.

What happens if the Youth Court does not make a surrogate appointment in a timely manner?

The youth court is obligated to make the appointment within 20 days of receipt of the paperwork submitted by the school district. If the youth court fails to act within 20 days, the individual nominated is the surrogate parent for the child.

The reauthorized Individuals with Disabilities Education Act (IDEA) became effective on July 1, 2005. This list of Frequently Asked Questions (FAQ) sheet is one of a series from the Montana Office of Public Instruction which highlight changes resulting from the reauthorization of the IDEA. Additional changes may result from the final regulations.

If you have further questions, please contact your local special education director or the Montana Office of Public Instruction. A complete listing of current OPI IDEA FAQs can be found at www.opi.mt.gov/speced/FAQs.



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